

1 Oxycontin. We're not allowed to give that
2 in here." And I says, "What do you mean?"
3 I says, "I have a prescription for this,
4 I've been on it for a while. I'm having
5 surgeries on my leg." And I told him
6 about the injuries. And he says, "I can't
7 give you that, but I can give you
8 something just as good as that that will
9 work." And he says, "I'll give you
10 Naprosyn."

11 So I says, "Will it take the pain
12 away?" He goes, "Yes, it's a painkiller."
13 I says, "Well, then fine, if that's what
14 works, if that's all I can get, I'll take
15 what I can get rather than give me
16 nothing."

17 So he gave me that and I started
18 taking it. The nurse was coming around
19 twice a day. They would give it to me,
20 but they would give it to me crushed.
21 They would crush it and then make you
22 drink it, eat it in front of them, and
23 then they would check your mouth.

24 I would say like maybe three

1 weeks, a little over, almost four weeks
2 after that, I was taking it, my stomach
3 started really really bothering me and I
4 couldn't eat good. You know, it was just
5 my stomach was upset and just was like
6 hurting. But it was a weird, a weird
7 feeling. So I told the nurse a couple of
8 times and she said, "It's just because
9 you're off the medication, it's the food."

10 You know, they kept giving me
11 different reasons why my stomach would be
12 bothering me and, you know, I just kept
13 complaining. Every time they came in I
14 said, "I think it's the medication."

15 And it ended up one nurse told
16 me, she goes, "It can't be the
17 medication." She goes, "If you don't want
18 it, sign off." And I said, "Well," I
19 says, "What do you mean it can't be the
20 medication?" She goes, "It can't, that
21 won't do that to you."

22 So she gave me Maalox to take.
23 She says your stomach will feel better.
24 She gave me Maalox in a little cup. So I

1 A. He was the medical director so I figured
2 he was a doctor.

3 Q. I see. Did you write letters about your
4 medication to anyone other than John
5 Smith?

6 A. Just the medical, not to one set person.
7 I put letters in. I told the nurse
8 numerous times.

9 Q. What nurse did you tell numerous times?
10

11 A. There was one lady I remember in
12 particular. I don't know her name. She
13 is kind of tall. She has red hair and she
14 wears glasses.

15 Q. Okay.

16 A. I don't know her name off the top of my
17 head. She is probably maybe 60 years old.
18 And she kept telling me, "If you don't
19 take it, sign off; but if you sign off, a
20 doctor can't help you," is what she kept
21 telling me.

22 Q. Okay. You have no evidence, Mr. Rodgers,
23 that John Smith was aware that you were
24 feeling sick on the 25th and 26th before
you arrived at the medical office, do you?

1 A. Yes. He should have because I've sent so
2 many notes to medical saying that
3 medication was, you know, I didn't -- I
4 felt sick, I knew something was wrong. I
5 had sent them in, you know, and I told all
6 the -- everyone, every doctor, every nurse
7 that came through there, I told them about
8 it. I said, "What would make you feel
9 like this," because I just didn't feel
10 right.

11 Q. You don't know the names of any of those
12 nurses, though, do you?

13 A. No. The only one I really know is Joe
14 Whitmore.

15 Q. Okay.

16 A. How this was all funny too is when I was
17 in the hospital, two of the CO's that
18 brought me there, one of them is named
19 Danny Minton. And then the emergency room
20 doctor was talking to me and he asked me
21 what kind of medications are you on. And
22 I explained it to him and he says, "It's
23 the Naprosyn." And I said, "What?" He
24 said, "That's the Naprosyn that's doing

1 guess it was like four weeks later, I was
2 laying in bed and I was in a five-man
3 cell. And I just started getting really
4 really sick, sweating, the chills and
5 nauseous. And I started throwing up in
6 the dark. And I kept noticing it was dark
7 what I was throwing up, because there was
8 a little bit of light in the cell, and I
9 kept drinking water because I would get
10 real thirsty. I kept drinking water and
11 then I would throw up repeatedly.

12 So finally, I pushed the button
13 to get the CO's attention. And he came by
14 the first time and I told him what was
15 going on, I need to see medical. He says,
16 "Medical's not here right now. You can do
17 it in the morning, you can see a doctor in
18 the morning." He kept putting me off.

19 So then I laid back down and I
20 just kept getting sicker and sicker. And
21 then, finally, I turned the light on to
22 see what I was throwing up. It looked
23 like chocolate cake that somebody chewed
24 up into the toilet. It was all black, but

1 A. I'm not positive. I think it was like 11,
2 a little after 11. I was pretty sick.
3 Woke up nauseous and puking.

4 Q. Did you vomit in your bed or elsewhere?

5 A. In the toilet.

6 Q. Were your cell lights out at the time that
7 you vomited in the toilet?

8 A. The first few times, yes. I even -- when
9 I threw up one time, it was like I don't
10 know, two in the morning or so, Chin said
11 something to me because I didn't flush the
12 toilet. He kept hearing the toilet. I
13 said, "Look at this shit, what is this?"
14 So he got up and looked at it. He goes,
15 "Man," he goes, "it look like cake." He
16 goes, "Man, I think that is blood." I go,
17 "Blood, it's not red."

18 Q. So the first time that you noticed that
19 there was blood in your vomit was around
20 two o'clock when Chin got up?

21 A. No. Noticed something, I knew something
22 was in it but I thought it was fluid and I
23 was trying to figure how food could turn
24 up after you eat it and digest it and come

1 after two o'clock?

2 A. I would think, yes.

3 Q. In the morning?

4 A. Yes, yes, with the newspaper. But then he
5 wasn't -- he didn't -- they had switched
6 already. That was -- no. I done that
7 before they switched because when she was
8 on, she was the second, she was after him.
9 And I talked to her a couple of times and
10 she --

11 Q. Who?

12 A. I think her name is Violet or something.
13 CO Violet or something like that. It is
14 the name of a flower, her name. And she
15 told me to see the nurse in the morning.
16 And I said, "Listen, nobody will listen to
17 me." I told her a couple times nobody
18 will listen to me, I am sick, I think I am
19 throwing up blood. She told me to lay
20 down, it would be all right, don't worry
21 about it, you probably ate something.
22 Gave me some -- I don't remember what she
23 told me. She just told me don't worry
24 about it. Orchid, her name is Orchid, the

1 like particles. I didn't know what it
2 was. I didn't eat cake tonight or coffee
3 grounds, I'm thinking somebody put
4 something in my food because I know I
5 didn't have coffee. It was like somebody
6 was playing a joke or something. It just
7 didn't make sense.

8 I tried to buzz the guy again.
9 He came by and told me to shut up and stop
10 calling. So it was just pretty forceful
11 in the way he said it so I didn't bother
12 him for a while. And I kept getting
13 sicker, I kept drinking more water. I
14 kept throwing up.

15 And I remember calling him again.
16 This time he had the button turned off.
17 He had the buzzer turned off so he
18 wouldn't even answer me. And they
19 switched shifts at some time and there was
20 a lady, a lady, the lady CO came out. And
21 I told her, and I forget what she told me.
22 She told me they couldn't help me. They
23 gave me some story. And I told her, I
24 said, "I feel like I'm dying, I don't feel

1 good, I don't feel good." I kept telling
2 them. Every time they walked by for a
3 round, I'd say something because they
4 wouldn't answer the button. They had the
5 call buttons turned off.

6 And my roommate, he helped me get
7 up a couple of times. I was just so sick,
8 I couldn't get up. He was a Chinese kid.
9 He was in there for murder. I forget his
10 name.

11 But I know I just kept throwing
12 up, getting sicker, nauseous and shaking.
13 I was weak. I couldn't breathe. And I
14 told the CO in the morning again, it was
15 right before breakfast, and they just
16 ignored me, walked by. And I kept
17 throwing up. And I was just at a point
18 where I couldn't really hold myself up too
19 much. I was getting too weak.

20 And when they served breakfast, I
21 went out to breakfast and I made it to the
22 control desk where the CO was and I tried
23 to say something to him. He got mad at
24 me, told me to get back.

complaints other than the fact that you felt nauseous when you took your medicine, that you felt nauseous or ill or didn't feel right as you have described?

A. As far as my stomach, no. I just kept telling them, I said something wasn't right. I knew something wasn't right. That's all.

Q. You had not expressed any type of remarkable pain up to that point in time, did you?

A. No, no. . Just a very sick nauseous feeling.

Q. Okay. Did you ask --

A. Something that I never felt before.

Q. Up to the point in time that you got sick on the 25th of August, had you asked anyone to go to the emergency room right away because of the way your stomach felt?

A. Prior to that day, no, no. I asked to see the doctor that night before the night when it started real bad. And I asked, I said I need to see a doctor. I need to go to the hospital or something, I need to

I went back in. I took some fruit, I think, it's all I could put in my mouth, just to get something in my mouth. It was apple sauce or something like that. I don't remember what it was. And anyways, I ended up back in my cell.

My cellmates started giving me shit, "You need to see the doctor, you need to see the doctor." I said, "I can't, they won't let me see him." And then the CO said, "Wait until medication comes around, you'll see the nurse then, you can see the nurse."

So then the nurse came, it was like at nine o'clock or something. I went to see the nurse, told them what was going on. It was Joe Whitmore. And he's like, you know, he goes, "I can't do nothing for you, the doctor's not here today, there's no doctor here today." He says, "You got food poisoning is what it is."

I go, "Food poisoning? I'm a chef. I've had food poisoning before and it's never nothing like this." He goes,

1 "It's just the medication and you got food
2 poisoning, here's more Maalox, take the
3 Maalox."

4 So he was giving me Maalox. So
5 then I went back in the cell and laid
6 down. I was too weak to do anything. My
7 roommate brought me some water and stuff.
8 I don't know how much time went by. It
9 was like about I think it was at
10 lunchtime, I said something to him again
11 and he got pissed off at me. And the guy
12 cussed at me, the CO yelled at me and told
13 me to get, his words, excuse me, "Get the
14 fuck away from me," he goes, "I don't want
15 what you got."

16 So I just kind of got away from
17 him and then I went back in my cell. And
18 finally, I came back out at like 12. I
19 said, "Listen, man, I'm going to die." I
20 was at the point where I thought I was
21 going to die. I had been throwing up for
22 like 12 hours. So he called down to
23 medical and they said, Yes, let him come
24 down.

1 I was sitting on the floor, next
2 to the floor. And he goes, "Well, you've
3 got to get the fuck up and go because you
4 if you don't go you're going to go in the
5 hole." So I got up and I just leaned
6 against the wall and crawled all the way
7 down to the elevator, went downstairs in
8 the elevator and the guy yelled at me in
9 the elevator to try to stand up. I was
10 trying to sit down because I was so sick.

11 I finally made it to medical. I
12 laid down on the floor in medical. And
13 then Joe Whitmore, the nurse, came out and
14 he took my blood pressure. As soon as he
15 took my blood pressure, he just dropped
16 it, took off running, called 911 because I
17 had no blood pressure. And I bled out so
18 much blood, I had no blood pressure. And
19 some officers came in there and they
20 stripped all my clothes off, put some
21 tear-away clothes on me, some orange
22 tear-away like has that Velcro and they
23 chained me up. And they put me in a
24 wheelchair and took me to a van, one of

1 Q. Okay. All right. And the order is still
2 in effect?

3 A. Yes.

4 MR. BREEN: Okay. That is all the
5 questions I have, Mr. Rodgers. Thank you.

6 MR. TUMPOSKY: I have just one
7 question, or do you have recross?

8 MR. CLARK: I've got about another
9 hour and a half worth. That is all. I
10 have got to go.

11 MR. TUMPOSKY: Just quickly

12 CROSS EXAMINATION

13 BY MR. TUMPOSKY:

14 Q. Were you ever told why the Naprosyn was
15 crushed?

16 A. So they won't sell it. They sell that.
17 Guys sell it on the block.

18 Q. So was it communicated that it was
19 standard practice for that drug to be
20 crushed?

21 A. Yes, yes.

22 MR. TUMPOSKY: That's it.

23 MR. BREEN: A follow-up to that,
24 please.

REDIRECT EXAMINATION

BY MR. BREEN:

Q. Who was it that told you that the Naprosyn was crushed for that reason?

A. The nurses that dispense it.

Q. Which nurse told you that?

A. Well, two that for sure told me was the lady, the tall redhead lady with the glasses told me about it. And I asked Joe Whitmore why and he answered it's standard, they have to do it, it was policy or whatever.

Q. Okay.

A. And then I've seen them, I've seen a few of them do it. I mean it's just --

Q. When you say you've seen a few of them do it, what do you mean?

A. I've seen the one that I was telling you about with the big hips, the short blonde haired lady, the nurse that went overseas, I've seen her do it. I've seen Joe Whitmore do it. I've seen the red haired lady do it. And the CO that works here, he used to be over there, he has done it.

1 Every time I got sick I would hit the
2 button and nobody would come. Usually
3 when the buttons are on, if you turn the
4 button in the cell you hear a high pitch
5 beep to let an officer know that somebody
6 needs assistance. And they had the
7 buttons turned off.

8 Q. Did you see somebody turn the button off?

9 A. Did I see them turn it off, no. But I
10 know when he turned it off.

11 Q. How many times did you speak with Officer
12 Orchid that evening?

13 A. I think twice.

14 Q. How did you get Officer Orchid's attention
15 the first time?

16 A. She even told me she was going to call
17 down to medical for me. She came by the
18 door when I got her attention.

19 As a matter of fact, she even
20 told me she called down to medical. She
21 goes, "I made a call to medical, that is
22 all I can do." She says, "I can't make
23 them see you."

24 Q. So when she was -- the first time you saw

Q. Do you recall anything else that she said to you?

A. No.

Q. Do you recall anything else that you said to her?

A. No.

Q. And at that time Officer Orchid said she was going to call the nurse for you?

A. Yes.

Q. Do you know whether she did so?

A. Nothing happened for like an hour or so. It was a good while. And she came by again and I asked her, you know, Did you call the nurse? She says, "I called down there for you," she goes. You know, I don't know if she said they're busy or something, she goes, "I can't make them come up." And I said, "I'm really sick," I said, "I feel real sick like, you know, I'm going to die or something." She says, "You're not going to die," like that.

Q. Okay?

A. And she told me to lay down, just take it easy.

1 Q. Okay. Do you recall anything else that
2 you said to Officer Orchid at that time?
3 A. No. Just --

4 Q. Okay.

5 A. I know I told her a few times I was really
6 sick. I said just I think I am throwing
7 up blood. She asked -- I think she asked
8 me how I knew it was blood. I said
9 because the way it looks in the water.
10 And she goes, "Well, I will call medical."
11 She said she would call medical again. I
12 think she did call them again or she said
13 she did call them again, but I don't know
14 if she did or didn't. And nobody ever
15 came back up or nothing.

16 Q. Okay. So you recall telling Officer
17 Orchid specifically that you thought you
18 were throwing up blood?

19 A. Yes. I said I got something in my -- I
20 said I'm throwing up, and I go and it
21 looks like coffee grounds, I think it's
22 blood.

23 Q. You're sure you told that to Officer
24 Orchid?

1 A. Yes, yes. I said I think it's blood.

2 Q. Did you tell Officer Orchid that it looked
3 like coffee grounds?

4 A. Yes.

5 Q. And what did Officer Orchid say when you
6 said that to her, that you thought you
7 were throwing up --

8 A. She said that she was calling medical.

9 Q. Do you know if Officer Orchid did call
10 medical?

11 A. No.

12 Q. You don't know either way?

13 A. No.

14 Q. And those were the only conversations you
15 had with Officer Orchid that night?

16 A. Yes. Pretty much.

17 Q. Okay. What time did the second
18 conversation take place?

19 A. I have no idea. I know it was late in the
20 night. All that stuff happened between 11
21 and like, let me see, I didn't see the
22 nurse until nine o'clock in the morning.
23 I saw Joe Whitmore. So it was probably up
24 till seven. I know because the last --

- Q. Okay. So the next morning around nine o'clock, you saw, you went to the medical area?
- A. No. Nine o'clock, the nurse came into the unit. That was Joe Whitmore.
- Q. Do you know why Joe Whitmore came to the unit around nine o'clock?
- A. To pass out meds to everybody.
- Q. Did you walk to where Mr. Whitmore was passing out meds?
- A. Yes. I waited until the line got down so I could get to him. And when the line got low enough, he was right near the chair so I walked, I got over to where the chair was. I sat down next to the -- the chair is here, say, and here is the table right about where his little booth was, where his little cart was.

And he goes, "What's the matter?" I said, "I'm really sick." And I explained to him what was going on and that I am puking blood. And he goes -- he told me, No, it couldn't be. All I got is -- he said I had stomach, I mean food

poisoning. And he gave me Maalox.

I said, you know, I said, "Listen," I go, "Listen, I'm a chef by trade. I've been a chef over 20 years." I said, "I know what I'm doing." I said, "This is not food poisoning, I've had food poisoning." And he goes, "It's a mixture of whatever, food poisoning or something, whatever you were coming off when you got here," he says, "there's nothing I can do, this is all I can do." He goes, "You have to wait until tomorrow to see the doctor, the doctor is not here today."

I said, "You mean to tell me there's no doctor in this building?" He says, "No, there's no doctor." So he goes here's a -- he gave me one thing of Maalox and he gave me an extra thing of Maalox. He says, "Just take this, go lay down, just drink a lot of water and you will be all right."

And I went back in the room and I just laid there and did what I had to do.

Q. Did Mr. Whitmore -- you told Mr. Whitmore

1 you. This is the problem, you know,
2 because he is dealing with so many people.
3 So when I was trying to tell him, he
4 didn't listen to me. He didn't hear me
5 because he was in that facade of being
6 like treating like a person like an
7 inmate.

8 You know, this is what it is,
9 this is what is written for you, this is
10 what you are going to get, you know, you
11 don't get nothing else, that kind of
12 thing. You know, because even when I
13 finally made it downstairs, the way he ran
14 out of the room when he checked my blood,
15 he was -- his face was white. He was
16 scared to death. He thought I was going
17 to die right there. And he's yelling,
18 "There's no time for an ambulance," he
19 said, "Get him now, get him now, we have
20 to go now." They had to get me to a
21 hospital.

22 Q. So when he realized there was a very very
23 low blood pressure, in an emergency
24 situation, he acted right away?